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Law Department

NOTIFICATION

No. LD (b) 3-3570|57|Law.

Dated, Trivandrum, 7th August 1957.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 5th August 1957.

By order of the Governor,
T. R. BALAKRISHNA IYER,
Law Secretary.

ACT 11 OF 1957

THE KERALA SURCHARGE ON TAXES ACT, 1957

An Act to provide for levy of surcharges on certain taxes.

Preamble.—WHEREAS it is considered necessary to increase the taxes on agricultural income, taxes on the sale or purchase of goods and taxes on profession, by the levy of a surcharge on such taxes;

Be it enacted in the Eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Surcharge on Taxes Act, 1957.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Levy of surcharge on agricultural income-tax.*—The income-tax or super-tax payable by any person assessed to such tax under the Agricultural Income-tax Act, 1950, shall be increased by a surcharge at the rate of five per centum of the tax payable each year, and the provisions of the Agricultural Income-tax Act, 1950, shall apply to the levy and collection of the said surcharge.

3. *Levy of surcharge on sales and purchase taxes.*—(1) The tax payable under the Travancore-Cochin General Sales Tax Act, 1125 or the Madras General Sales Tax Act, 1939, shall, in the case of a dealer whose turnover exceeds thirty thousand rupees in a year, be increased by a surcharge at the rate of two and a half per centum of the tax payable for that year and the provisions of the Travancore-Cochin General Sales Tax Act, 1125 or the Madras General Sales Tax Act, 1939, shall, as the case may be, apply to the levy and collection of the said surcharge:

Provided that where in respect of declared goods as defined in clause (c) of section 2 of the Central Sales Tax Act, 1956, the tax payable by such dealer under the Travancore-Cochin General Sales Tax Act, 1125 or the Madras General Sales Tax Act, 1939, together with the surcharge payable under this sub-section, exceeds two per centum of the sale or purchase price, the

rate of surcharge in respect of such goods shall be reduced to such an extent that the tax and the surcharge together shall not exceed two per centum of the sale or purchase price.

(2) Notwithstanding anything contained in sub-section (1) of section 11 of the Travancore-Cochin General Sales Tax Act, 1125, or in sub-section (1) of section 8 B of the Madras General Sales Tax Act, 1939, no dealer referred to in sub-section (1) shall be entitled to collect the surcharge payable under the said sub-section.

4. *Levy of surcharge on profession tax.*—The profession tax or tax on companies payable by a person or company whose half-yearly income is not less than one thousand and five hundred rupees to the respective local authorities under the Trivandrum City Municipal Act, the Travancore District Municipalities Act, 1116, the Cochin Municipal Act, XVIII of 1113, the Madras District Municipalities Act, 1920, the Travancore-Cochin Panchayats Act, 1950, the Madras Village Panchayats Act, 1950 or the Madras District Boards Act, 1920, shall be increased by a surcharge for the purpose of the Government at the rate of five per centum of the profession tax or tax on companies so payable and the local authorities concerned shall levy and collect the said surcharge along with the profession tax or the tax on companies in the same manner as if it were a profession tax or a tax on companies, and the provisions of law governing the levy and collection of such taxes shall in all respects apply therefor.

5. *Local authority to make over the surcharge collected to Government.*—The local authority concerned shall make over to the Government the surcharge so collected in such manner and subject to such deductions towards the cost of collections as the Government may, from time to time, by rules prescribe.

6. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

7. *Power to make rules.*—The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

8. *Amendment to the Madras Elementary Education Act, 1920.*—(1) Chapter III (sections 32 to 40, both inclusive) of the Madras Elementary Education Act, 1920, as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, shall be omitted.

(2) As soon as may be after the commencement of this Act, the elementary education fund constituted for each local authority under the said Act shall be transferred to the Government by such local authority and the same shall vest in the Government free of all trusts, liabilities and encumbrances. Thereupon it shall be competent for the Government to utilise the said fund in such manner as they may deem fit.

Gazette Extraordinary No. 87 dated 7th August 1957.

Law Department

NOTIFICATION

No. LD(b)3-4050|57|Law.

Dated, Trivandrum, 7th August 1957.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 5th August 1957.

By order of the Governor,
T. R. BALAKRISHNA IYER,
Law Secretary.

ACT 12 OF 1957

THE TRAVANCORE-COCHIN GENERAL SALES TAX (AMENDMENT) ACT, 1957

An Act further to amend the Travancore-Cochin General Sales Tax Act, 1125.

Preamble.—WHEREAS it is expedient further to amend the Travancore-Cochin General Sales Tax Act, 1125, for the purpose of extending the provisions thereof to the whole State of Kerala and for certain other purposes hereinafter appearing;

BE it enacted in the Eighth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Travancore-Cochin General Sales Tax (Amendment) Act, 1957.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. **Amendment of Preamble, Act XI of 1125.**—In the Preamble to the Travancore-Cochin General Sales Tax Act, 1125 (Act XI of 1125), hereinafter referred to as the principal Act, for the words "State of Travancore-Cochin" the words "State of Kerala" shall be substituted.

3. **Amendment of section 1, Act XI of 1125.**—In section 1 of the principal Act,—

(i) in sub-section (1), for the words "Travancore-Cochin General Sales Tax Act" the words "General Sales Tax Act" shall be substituted.

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of the State of Kerala.".

4. **Amendment of section 2, Act XI of 1125.**—In section 2 of the principal Act—

(i) in clause (a), the word "cinchona" shall be omitted;

(ii) in clause (j), in Explanation (2), for the words 'State of Travancore-Cochin' wherever they occur, the word "State" shall be substituted;

(iii) after clause (j), the following clause shall be inserted as clause (j-1) and the existing clause (jj) shall be re-lettered as (j-2):—

"(j-1) 'State' means the State of Kerala;"

5. **Substitution of new section for section 2B, Act XI of 1125.**—For section 2B of the principal Act, the following section shall be substituted, namely:—

"2B. **Appointment of Deputy Commissioners of Sales Tax.**—The Government may appoint one or more Deputy Commissioners of Sales Tax for the purpose of performing the functions conferred on the Deputy Commissioner by or under this Act. The Deputy Commissioner or Deputy Commissioners so appointed shall perform such functions within such local limits as the Government may assign to them.".

6. **Amendment of section 3, Act XI of 1125.**—In section 3 of the principal Act,—

(i) in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

"(b) the tax shall be calculated at the rates specified in column (3) of Schedule I for every rupee in the turnover relating to the goods noted against them in column (2) thereof and at the rate of two naye paise for every rupee in the turnover relating to all other goods.";

(ii) in sub-section (2), for items (i) to (xi) the following shall be substituted, namely:—

"(i) Cloth (other than cloth woven on handlooms whether of silk, artificial silk, wool, flax or any other material) which is not made wholly of cotton	Eight naye paise.
(ii) Cotton cloth (other than cloth woven on handlooms) which is either fine or superfine	Eight naye paise.

Explanation I.—In this item fine or superfine cotton cloth shall mean cloth classified as fine, or superfine under the Cotton Textiles (Control) Order, 1948, or in case there is no such classification or that order does not apply, such cloth as the Government may, by general or special order, declare to be fine or superfine for the purpose of levy of tax under this item and such declaration may be made to take effect from such date as may be specified therein.

Explanation II.—In the case of cloth which has not been marked as fine or as superfine in pursuance of a notification under the Cotton Textiles (Control) Order, 1948, the burden of proving that the cloth is not liable to the levy of tax under this item shall be on the seller.

(iii) All hosiery goods other than those made wholly of cotton	Eight naye paise.".

7. **Amendment of section 4, Act XI of 1125.**—In section 4 of the principal Act, the following words and figures shall be added at the end, namely:—

"or the Opium Act, 1878 (Central Act 1 of 1878).".

8. **Amendment of section 5, Act XI of 1125.**—In section 5 of the principal Act,—

(i) clauses (ii), (iv) and (v) shall be omitted;

(ii) for clause (vii), the following clause shall be substituted, namely:—

"(vii) the sale of goods specified in column (2) of Schedule I shall be liable to tax under section 3, sub-section (1), only at such single point in the series of sales by successive dealers as may be specified by the Government by notification in the Gazette.".

9. **Amendment of section 6, Act XI of 1125.**—In clause (a) of sub-section (2) of section 6 of the principal Act, for the words "State of Travancore-Cochin", the word "State" shall be substituted.

10. **Amendment of section 8, Act XI of 1125.**—In section 8 of the principal Act, for the words "State of Travancore-Cochin" the word "State" shall be substituted.

11. **Amendment of section 18, Act XI of 1125.**—In section 18 of the principal Act, for the words "State of Travancore-Cochin" wherever they occur the word "State" shall be substituted.

12. **Amendment of section 24, Act XI of 1125.**—In section 24 of the principal Act, in clause (d) of sub-section (2), for the words "State of Travancore-Cochin" the word "State" shall be substituted.

13. **Amendment of section 26, Act XI of 1125.**—In section 26 of the principal Act,—

(i) in sub-clause (i) of clause (a) of sub-section (1), for the words "State of Travancore-Cochin" the word "State" shall be substituted;

(ii) in clause (b) of sub-section (1) the words "except in so far as Parliament may by law otherwise provide" shall be omitted;

(iii) sub-section (2) shall be omitted.

14. **Insertion of new section 26A in Act XI of 1125.**—After section 26 of the principal Act, the following section shall be inserted as section 26A:—

"26A. **Transitory provisions.**—(1) In the application of this Act to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, during the financial year ending with 31st March 1958, the provisions of this Act shall be subject to the provisions contained in Schedule II.

(2) The Government may from time to time by notification in the Gazette add to, alter or cancel Schedule II.

15. **Amendment of section 27, Act XI of 1125.**—Section 27 of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The Madras General Sales Tax Act, 1939 (Act IX of 1939), the Madras Tobacco (Taxation of Sales and Registration) Act, 1953 (Act IV of 1953) and the Madras Sales of Motor Spirit Taxation Act, 1939 (Act VI of 1939) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed.

(3) Section 21A of the Madras Prohibition Act, 1937 (Act X of 1937) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, shall be omitted.".

16. **Insertion of Schedules.**—After section 27 of the principal Act, the following Schedules shall be inserted:—

SCHEDULE I

[*See section* 3 (1) (*b*)]

Sl. No.	*Description of goods*	*Rate of tax for every rupee in the turnover relating to such goods*
(1)	(2)	(3)
		Naye paise
1	Spirits, wines and liquors ..	25
2	Tobacco other than Beedi tobacco (suka) ..	15
3	Petrol ..	15
4	Motor spirit other than petrol ..	8
5	Sugar ..	6
6	Motor vehicles including motor cars, motor taxi cars, motor cycles and cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries Chassis of motor vehicles Component parts of motor vehicles Articles (including rubber and other tyres and tubes and batteries) adapted for use as parts and accessories of motor vehicles not being such articles as are ordinarily also used for other purposes than as parts or accessories of motor vehicles	6
7	Refrigerators, air conditioning plants, component parts of refrigerators or air conditioning plants ..	6
8	Radio, gramophones, component parts of radio gramophones ..	6
9	Cement ..	5
10	Tea ..	5
11	Coffee ..	5
12	Kerosene ..	4
13	Beedi Tobacco (suka) ..	4

Sl. No. (1)	*Description of goods.* (2)	*Rate of tax for every rupee in the turnover relating to such goods* (3)
		Naye paise
14	All electrical goods, instruments, apparatus and appliances including fans and lighting bulbs, electrical earthenware and porcelain and all other accessories ..	4
15	All clocks, time-pieces and watches and parts thereof ..	4
16	Any pen, pencil, or pen and pencil set, sold for twenty rupees or more ..	4
17	Wireless reception instruments and apparatus and component parts thereof including all electrical valves, accumulators, amplifiers and loud-speakers, which are not specially designed for purposes other than wireless reception ..	4
18	(*a*) Cinematographic, photographic and other cameras, projectors and enlargers, lenses and other parts and accessories to such cameras, projectors and enlargers, and films, plates, paper and cloth required for use therewith ..	4
	(*b*) Binoculars and opera glasses ..	4
19	Precious stones namely diamonds, emralds, rubies, real pearls and saphires, synthetic or artificial precious stone, pearls artificial or cultured ..	4
20	Chemical fertilisers including bone-meal ..	2
21	Fire wood ..	2
22	Rubber ..	2
23	Hides and skins whether in a raw or dressed state ..	2
24	Cotton including kapas and cotton yarn other than handspun yarn and all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise ..	1
25	Bullion and specie ..	1/2
26	Pepper ..	4
27	Ginger ..	4
28	Lemongrass oil ..	4
29	Turmeric ..	4
30	Arecanut ..	4
31	Nuxvomica ..	4
32	Tamarind ..	4
33	Laurel oil ..	4
34	Kacholam ..	4
35	Cocoanut ..	4
36	Copra ..	4
37	Cashew and its Kernels ..	4
38	Cardamom ..	4
39	Coir including coir products ..	2
40	Aloe yarn including its products ..	2

SCHEDULE II.

Transitory Provisions

(See section 26A).

1. Every registration effected and every licence issued under the Madras General Sales Tax Act, 1939 or the rules made thereunder in their application to the Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 (hereinafter referred to as the Malabar area), and in force at the commencement of the Travancore-Cochin General Sales Tax (Amendment) Act, 1957, shall be deemed to have been effected or issued under this Act or the rules made thereunder.

2. In calculating the total turnover for the financial year ending with 31st March 1958 of a dealer in the Malabar area for purposes of sub-section (3) of section 3 of this Act, the turnover of the dealer under the Madras General Sales Tax Act, 1939 up to the commencement of the Travancore-Cochin General Sales Tax (Amendment) Act, 1957, shall also be taken into account.

3. The retail dealers in motor spirit in the Malabar area shall be liable to tax in respect of the transactions relating to the motor spirit which is in their possession, control or custody at the commencement of the Travancore-Cochin General Sales Tax (Amendment) Act, 1957, at the rate specified in Schedule I applicable to such motor spirit, notwithstanding anything contained in this Act or the rules thereunder.